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In re Application of:
Johannes-Joerg Rueger et al.
Serial No.: 09/824,191
Filed: April 2, 2001
Attorney Docket No.: 10744/6000

DECISION ON REQUEST
TO REMAIL OFFICE ACTION

This is a decision on the "PETITION TO WITHDRAW HOLDING OF ABANDONMENT - OFFICE ACTION NOT RECEIVED" filed on July 12, 2004. It is being treated as a request to remail Office action.

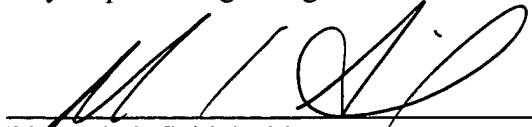
The request is **GRANTED**.

A final Office action was mailed on December 16, 2003. There was no response to this Office action within the six month statutory period set forth in 35 U.S.C. 133. Thus, the application became abandoned by operation of law for failure to reply to the Office action. However, no Notice of Abandonment has been mailed.

Petitioner asserts applicant did not receive the Office action of December 16, 2003. The petition provides the required showing under MPEP § 711.03(c)(II) to establish nonreceipt of an Office action. It includes a statement from the practitioner stating that the Office action of December 16, 2003 was not received and attesting to the fact that a search of the file and docket records indicates that the Office action was not received. It also includes a copy of the docket records where the nonreceived Office action would have been entered had the Office action been received. The evidence is sufficient to establish that the Office action of December 16, 2003 was not received.

Accordingly, the Office action of December 16, 2003 will be remailed and a new shortened statutory period for response to this Office action will be set to expire three months from the date of remailing.

Any inquiries regarding this decision should be directed to Edward Westin at (571) 272-1638.


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